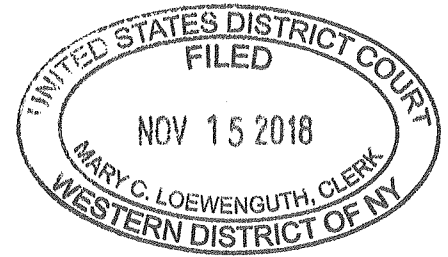


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK  
BUFFALO, NEW YORK 14202



UNITED STATES OF AMERICA, *Plaintiff*  
v  
CHARLES WEBER, *Defendant*

§  
§  
§  
§  
§

CASE # 15 CR 0010

STATEMENT OF PARTIES WITH RESPECT TO SENTENCING FACTORS

**VERIFIED OBJECTION TO PRESENTENCE INVESTIGATION REPORT DOCKET  
NO: 0209 1:15CR00010-001 AND MOTION TO STRIKE OR CORRECT FALSE DATA  
OR STATEMENTS**

I, Charles Weber, a 62 year-old white male of sound mind and competent to testify in this matter, do state the following objections contained in the PRESENTENCE INVESTIGATION REPORT DOCKET NO: 0209 1:15CR00010-001 received 10/26/2018, authored by U.S. Probation Officer Specialist Lisa Ferraro. The enumerated objections and the corrections demanded are set forth below.

**PAGE 2 Items of Identifying Data:** SSN# 093-50-0744, US Citizenship, Alias, and all derivative **FBI, USM, State ID**, and **PACTS** numbers based on an incorrect assumption of 14<sup>th</sup> Amendment citizenship.

I do not consent to the attachment of a Social Security Identifying number as an Article 4 Section 2 Cl. 1 Citizen of the several States established in 1777. A Social Security Identifying number attachment is limited to a United States citizen in the several States under the 1868 14<sup>th</sup> Amendment. The statutory authority for those 'persons' eligible are found in Title 42 United

States Code Public Health and Welfare and the implementing regulations found in Title 42 Code of Federal Regulations. See specific citations below.

A trip to the Social Security Administration Office at 186 Exchange Street in Buffalo, New York was made late June/early July of 2018. I do not remember applying for a SS# and wanted to get the original SS-5 application form. After entering the building, I approached the ticket kiosk, entered the requested information, and was assigned a 'call number.'

My intent was to discover when this SS# application was made, whose handwriting was on the application (who filled it out), and what disclosures were made on the form regarding eligibility, meaning of terms, etc.

Upon the 'call number' announcement I approached the desk to speak with the SSA official. Information was requested regarding the date this number was assigned to U.S. LEGAL PERSON CHARLES JOHN WEBER. The SSA officer researched the records and stated the number was assigned to the aforementioned U.S. PERSON in March of 1972. I was 16 years old in March 1972 and underage at that time to enter into any legally binding performance duties or liabilities. I asked for the SS-5 SS Application form for evidence in this legal matter. The officer stated I would have to contact the Social Security Office in Baltimore, Maryland to permission to release that form as this office did not have that authority. Contact information was given and I made numerous attempts to speak to competent personnel regarding this matter. Phone messages were left to the SSA personnel and a frustrating game of phone tag ensued. In lieu of this phone tag event, the SSA sent correspondence that stated the application form would not be sent under the FOIA unless I was deceased. Exhibits

## CONCLUSION

There is no evidence the SS Identifying number 093-50-0744 was ever lawfully or legally attached in March of 1972 and must be stricken from the record on the following grounds.

1 There is no evidence I filled out an SS-5 form to apply for Social Security gratuities, as Social Insurance is not insurance, there are no benefits, there are no premiums, there are no guaranteed payouts by contract, there is no contract in the commercial sense. Congress can end SS at any time and payouts would cease. *Flemming v. Nestor*, 363 U.S. 603 (1960)

2 The SS Account was assigned while underage. My birthday is November 25, 1955, I was sixteen years old and the SS-5 is not legally binding. The SS Account card assigned in error to U.S. PERSON CHARLES JOHN WEBER is government property was returned by USPS October 3, 2018. That SS# is void *ab initio*. Exhibits 2A-2F

3 As a Citizen of the several States under article 4, I am specifically excluded and not eligible to participate as a member of appropriate groups or categories of an 'individual'/citizen to be assigned such number pursuant to 42 USC Public Health and Welfare 405(c)(2)(B)(i)(I)(II)(III), 405(c)(2)(B)(ii), or 405(c)(2)(B)(iii). Further restrictions are found pursuant to 20 CFR § 422.104 Who can be assigned a social security number. (a)Persons eligible for SSN assignment. We can assign you a social security number if you meet the evidence requirements in § 422.107 and you are: (1) A United States citizen; (A citizen of the United States resident in the several States is protected by the 14<sup>th</sup> Amendment. The 14<sup>th</sup> Amendment was designed to give the recently freed slave permanent citizenship separate and distinct from State Citizenship.) or (2) An alien lawfully admitted to the United States for permanent residence or under other authority

of law permitting you to work in the United States ( § 422.105 ) describes how we determine if a nonimmigrant alien is permitted to work in the United States); or (3) An alien who cannot provide evidence of alien status showing lawful admission to the U.S., or an alien with evidence of lawful admission but without authority to work in the U.S., if the evidence described in § 422.107(e) does not exist, but only for a valid nonwork reason. We consider you to have a valid nonwork reason if: (i) You need a social security number to satisfy a Federal statute or regulation that requires you to have a social security number in order to receive a Federally-funded benefit to which you have otherwise established entitlement and you reside either in or outside the U.S.; or (ii) You need a social security number to satisfy a State or local law that requires you to have a social security number in order to receive public assistance benefits to which you have otherwise established entitlement, and you are legally in the United States.

4 Further, a false declaration to claim citizenship of the United States is a crime under 18 USC Section 911. I do not have the physical characteristics nor am I in the class of person known as an alien/foreigner to be a U.S. PERSON. The 14<sup>th</sup> Amendment referred to established federal citizenship for the recently freed slaves separate and distinct from the original Citizenship establish by the thirteen States prior to the formation of the federal government in 1789.

The Supreme Court of California says it best and is in harmony with US Supreme Court decisions. To whit:

“No white person born within the limits of the United States, and subject to their jurisdiction, or born without those limits, and subsequently naturalized under their laws, owes the status of citizenship to the recent amendments to the Federal Constitution. The history and aim of the Fourteenth Amendment is well known, and the purpose had in view in its adoption well

understood. That purpose was to confer the status of citizenship upon a numerous class of persons domiciled within the limits of the United States, who could not be brought within the operation of the naturalization laws because native born, and whose birth, though native, had at the same time left them without the status of citizenship. These persons were not white persons, but were, in the main, persons of African descent, who had been held in slavery in this country, or, if having themselves never been held in slavery, were the native-born descendants of slaves. Prior to the adoption of the Fourteenth Amendment it was settled that neither slaves, nor those who had been such, nor the descendants of these, though native and free born, were capable of becoming citizens of the United States. ( *Dred Scott v. Sanford*, 19 How. 393.) The Thirteenth Amendment, though conferring the boon of freedom upon native born persons of African blood, had yet left them under an insuperable bar as to citizenship; and it was mainly to remedy this condition that the Fourteenth Amendment was adopted.” *Van Valkenburg v. Brown*, 43 Cal. 43, 1872 Cal. LEXIS 32 (Cal. 1872)

‘It is true that the chief interest of the people in giving permanence and security to citizenship in the Fourteenth Amendment was the desire to protect Negroes. The *Dred Scott* decision, 19 How. 393, had shortly before greatly disturbed many people about the status of Negro citizenship. But the Civil Rights Act of 1866, 14 Stat. 27, had already attempted to confer citizenship on all persons born or naturalized in the United States. Nevertheless, when the Fourteenth Amendment passed the House without containing any definition of citizenship, the sponsors of the Amendment in the Senate insisted on inserting a constitutional definition and grant of citizenship. They expressed fears that the citizenship so recently conferred on Negroes by the Civil Rights Act could be just as easily taken away from them by subsequent Congresses, and it was to provide an insuperable obstacle against every governmental effort

to strip Negroes of their newly acquired citizenship that the first clause was added to the Fourteenth Amendment. [387 U.S. 253, 263] Senator Howard, who sponsored the Amendment in the Senate, thus explained the purpose of the clause:

"It settles the great question of citizenship and removes all doubt as to what persons are or are not citizens of the United States. . . . We desired to put this question of citizenship and the rights of citizens . . . under the civil rights bill beyond the legislative power . . . ." Cong. Globe, 39th Cong., 1st Sess., 2890, 2896 (1866).

This undeniable purpose of the Fourteenth Amendment to make citizenship of Negroes permanent and secure would be frustrated by holding that the Government can rob a citizen of his citizenship without his consent by simply proceeding to act under an implied general power to regulate foreign affairs or some other power generally granted." *Afroyim v Rusk* (1967) 387 U.S. 253

Further, the original Citizenship of the several States was left untouched by the 14<sup>th</sup> Amendment and is still very much a part of the State and Federal Constitutions. To wit:

"Hence the fifteenth amendment, which declares that "the right of a citizen of the United States to vote shall not be denied or abridged by any State on account of race, color, or previous condition of servitude." The negro having, by the fourteenth amendment, been declared to be a citizen of the United States, is thus made a voter in every State of the Union....on the most casual examination of the language of these amendments, no one can fail to be impressed with the one pervading purpose found in them all, lying at the foundation of each, and without which none of them would have been even suggested: we mean the freedom of the slave race, the security and firm establishment of that freedom,

and the protection of the newly-made freeman and citizen from the oppressions of those who had formerly exercised unlimited dominion over him. It is true that only the fifteenth amendment, in terms, 72\*72 mentions the negro by speaking of his color and his slavery. But it is just as true that each of the other articles was addressed to the grievances of that race, and designed to remedy them as the fifteenth....*Slaughterhouse Cases* 16 Wall. 36, 21 L. ed. 394.(1874)

“The Fourteenth Amendment did not radically change the whole theory of the relations of the state and Federal governments to each other, and of both governments to the people.... The privileges and immunities of citizens of the United States, as distinguished from the privileges and immunities of citizens of the states, are indeed protected by it; but those are privileges and immunities arising out of the nature and essential character of the national government, and granted or secured by the Constitution of the United States. *United States v. Cruikshank*, 92 U. S. 542, 23 L. ed. 588; *Slaughter-House Cases*, 16 Wall. 36, 21 L. ed. 394.”

5 The United States is precluded from claiming my citizenship under the 14<sup>th</sup> Amendment by *collateral estoppel*. The New York State Supreme Court in Erie County granted my petition to have my name, Charles Weber, associated as a New York Citizen under Article 4 Section 2 Cl. 1, as I expressly did not ever knowingly consent to 14<sup>th</sup> Amendment status. Exhibit 1A- 1B

6 I have no alias. I am not known by Weber, Charles J. I am only known as Charles Weber per ORDER OF JUDGE JOHN F. O'DONNELL, ERIE COUNTY SUPREME COURT. 1A-1B

I move the court to strike the aforementioned mischaracterizations from the record.



**Page Three Charges and Convictions** I object to the Charges and Conviction on the following grounds a 29(a) Motion for Acquittal is under consideration and this should be held off until a determination made.

Page Three Pretrial Adjustments. The parole violations due to driving without a license were dropped. The DA did not want to go to trial. The DA offered a parking violation to save face and I accepted hoping to get out of this silly bracelet for a traffic crime I did not commit. Knowing the mindset of lower court judges, my evidence was going to be deemed not relevant, so I took the benign parking violation although not guilty of that either, instead of the Amherst Town Judge washing her hands and going to Appeals Court in Rochester in four or five months. DA knew I was innocent. By New York law, a driver license is only required for those making a profit or gain by use of the roadway, such as a cab driver, chauffeur, Uber driver, eighteen-wheel rig driver, or someone who is an employee for hire in that regard of commercial use of the highway. I have never made commercial use of the highway, never.

Further, the DMV license was returned in summer of 2017. I move the court to strike DMV violations from record from all referenced statements in the record. There is no license to suspend.

### **Page 3- The Offense**

In general, I plead to the facts, but not the crime associated or inferred from those acts. The facts will show, as a Citizen of the several States, I was never paid any money. In the United States of America, we are only able to pay debts with Constitutional instruments, such as US Treasury Notes and Bonds. Article 1 Section 10. Money is defined in the Constitution as gold or silver in the



defined weights and measures, and as such, is represented by United States Notes. Americans haven't had money since 1933. 48 Statutes at Large 1-120. House Joint Resolution 192. See deposits restricted to lawful money of the United States bank stamp

All references to my statements of United States citizenship in all documents are to be read as a Citizen of the several States as per the Supreme Court citations below in bold italics. I never intended my citizenship to be mischaracterized under the 14<sup>th</sup> Amendment.

"the term United States is a metaphor." (A figure of speech. Cunard S.S. Co. v. Mellon, 262 U.S. 100.

"The term "United States" may be used in any one of several senses. It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations. It may designate the territory over which the sovereignty of the United States extends, or it may be the ***collective name of the states which are united by and under the Constitution.***" *Hooven and Allison v Evatt* 324 U.S. 652, 65 S. Ct. 870, 89 L. Ed. 1252, 1945 U.S. LEXIS 2629

All references to my statements of U.S. citizenship are to be properly construed as a citizen of the several States for reason mentioned in previous explanations.

No government agent can take away or misconstrue my citizenship.

"Other nations are governed by their own constitutions, if any, and we can draw no support from theirs. ***In our country the people are sovereign and the Government cannot sever its relationship to the people by taking away their citizenship.*** Our Constitution governs us and we must never forget that our Constitution limits the Government to those powers specifically granted or those that are necessary and proper

to carry out the specifically granted ones. *The Constitution, of course, grants Congress no express power to strip people of their citizenship, whether in the exercise of the implied power to regulate foreign affairs or in the exercise of any specifically granted power.*”

All references made by an agent of the government to United States citizen (under the 14<sup>th</sup> Amendment) are void and I move the court to all such misrepresentations be stricken from the record.

With regard to Mr. Reyes, I did not recognize him at the trial. I remembered the name. A few days after the trial I recalled his visit to my office. If his visit lasted 5 minutes it was a lot. The man stunk. His hair stunk, his breath stunk, his clothes stunk. Apparently, he was a heavy smoker at that time, I couldn’t wait to get him out of my office.

With regard to Mr. Reyes directions, I do remember him leaving oral instructions, vaguely. However, no one is obligated to follow any IRS agents directions, we are obligated to follow the law. IRS instructions cannot be relied upon, nor can IRS agents. The government regularly responds with a long line of opinions stating that the only authoritative sources of tax law are official statutes, regulations, and judicial opinions.<sup>1</sup> This is generally correct, and there is a wealth of authority on the government’s side. *See, e.g., Montgomery v. Commissioner*, 127 T.C. 43, 65 (2006) (“It is settled law that taxpayers cannot rely on [IRS] instructions to justify a reporting position otherwise inconsistent with controlling statutory provisions.”); *Johnson v. Commissioner*, 620 F.2d 153 (7th Cir. 1980); *Aldridge v. Commissioner*, 51 T.C. 475 (1968).

At the trial, upon cross examination, Mr. Reyes was clueless about Article 4 citizenship just like every other government witness. I was right to disregard his faulty instructions, Mr. Reyes has compartmentalized knowledge.

Statement 13 With regard to We the People Foundation. I have no memory of signing up for a director position and no memory of holding any formal or informal meetings in such regard.

Any interest was for factual research. We the People had former IRS agents, Joe Turner, Joe Bannister come to mind, as its founding members and they as IRS agents were still researching. Statements from IRS interview.

With regard to the IRS interview at my office. There are no audio recordings of a conversation, the notes written down could be fabricated and there is no corroborating evidence as to the truthfulness of the IRS record. I have no memory of those specific statements. I move the court to strike all references from this meeting from the record.

With regard to Trial Testimony. Statement 49. The patient held a position as a staffer on Capitol Hill for the Senate Majority Finance Committee Chairman Charles Grassley. His card is one of the exhibits with the name redacted. This Capitol Hill staffer told the truth, I had no reason to not believe him. Future proves past in this case.

Statement 55. To this day I do not remember reading instructions for the 1040NR. At that time bases upon my knowledge that was the correct form.

Statement 57. All Americans, whether 14<sup>th</sup> Amendment citizens or Article 4 Citizens are U.S. citizens for the purpose of international law and safe travel in foreign countries. State governments gave up that power and gave it to the federal government. The United States is the only office with this passport issuance authority. To whit:

Two Supreme Court cases *Urtetiqui v D'Arcy* 34 U.S. 9 Pet. 692 and *Downes v Bidwell* 182 U.S. 244 are instrumental in this regard. The D'Arcy case held a passport was not evidence of citizenship, but an affidavit was evidence of citizenship, and Bidwell stated at page 263,

"[a]s establishing the principle that, in dealing with foreign sovereignties, the term "United States" has a broader meaning than when used in the Constitution, and includes all territories subject to the jurisdiction of the federal government, wherever located. In its treaties and conventions with foreign nations, this government is a unit. This is so not because the territories comprised a part of the government established by the people of the states in their Constitution, but because the federal government is the only authorized organ of the territories, as well as of the states, in their foreign relations. By Art. I, Sec. 10, of the Constitution, "no state shall enter into any treaty, alliance, or confederation, . . . [or] enter into any agreement or compact with another state, or with a foreign power."

*Downes v Bidwell* 182 U.S. 244

I move the court to strike any inference of 14<sup>th</sup> Amendment citizenship to be inferred from the passport application.

Statements 58, 59, 60. Tax year tables 2006 – 2016 presume 14<sup>th</sup> Amendment citizenship. The elements that determine U.S. citizenship were never brought into evidence by the government. Despite the oral and written statements of government attorneys SCOTT and KRESSE asserting defendant was a 14<sup>th</sup> Amendment citizen, the elements/physical characteristics of race, skin color or any other class of 'person' essential to verify 14<sup>th</sup> Amendment attachment. Docket 38, 41. The allegations have never been proven. I move the court to strike 58-60 from the record.

Statements 61-77. All statements are falsely based on 14<sup>th</sup> Amendment citizenship. I did not make false statements regarding my State citizenship. The original States that made the federal government have their own citizens after the 14<sup>th</sup> Amendment. My ancestors are the Founding Fathers, Judge Philip Van Horne, Home used as Headquarters for American Forces, Soldiers William Van Horne (1775-1783) and Jonathan Van Horne (War of 1812) I move the court to strike statements 61-77 from the record. My records are higher competent evidence than any government Birth Certificate document, which is only *prima facie* evidence. Exhibits 4A-4C Genealogy and Affidavit of Citizenship, Black's Law 14<sup>th</sup>. Statements 80- 86. All alleged DMV violations derivative of NYS income default based on allegations of U.S. citizenship. Move the court to strike statements 80-86 from the record. Sentencing Options Statements 87-99. All restitution statements based on unproven allegations of citizenship as previously stated. All amounts based on Federal Reserve Notes as Collateralized Debt Note Obligations. I was never paid in United States Treasury Notes, that is a deprivation of a substantive constitutional right under Article 1 Section 10. I do not consent to Restitution amounts. I move the court to strike all statements 87-99. Statement 100. Marion O'Hara is an anesthetist, not nurse assistant. Please correct records. Statement 105. High mercury level and effects were diagnosed early 2014. The effects are cumulative over a 30+ year career. I gave copies of my visits and supplements to Parole. I move the court to correct the record. Statement 109. To repeat, memory loss due to mercury accumulation over a long period of time. Mercury gas is odorless, tasteless, and invisible unless against a fluorescent background. Please correct your records.

Statement 110. In my opinion, Dr. Cervantes is indoctrinated and will say anything for a fee. She admitted to never visiting a law library and gets her 'sovereign citizen' information from 'YouTube.' January 2018 competency hearing. Cervantes could at least upgraded to reading little strips of paper from a box of Cheerios. Cervantes has never provided any substantive evidence to back her allegations. Cervantes is an example of someone with a professional degree that doesn't do the hard work necessary to form a base of knowledge in her field forensic psychiatry. In one of our interviews in the Public Defender's Office, I asked Cervantes a few historical questions in an effort to have her support her allegation there is no State Citizenship under Article 4, or to provide the historical basis for the 14<sup>th</sup> Amendment. Cervantes was silent, and Cervantes is making a determination on my mental status? Cervantes is absolutely clueless, and she is an MD. God help us all. I move the court to strike all references and statements from Cervantes regarding sovereign citizens status on the grounds of the following Supreme Court, US Presidents, and NSA advisor John Bolton citations on American sovereignty.

“And I just wanted to explain that this is — why this is so important for Americans, because many people consider sovereignty a kind of abstract concept. It derives, obviously, from the word “sovereign,” meaning the monarch. But it’s one of the reasons I think America is exceptional, and that is **we understand sovereignty not to be vested in the head of state; we understand it as the Framers said in the Constitution itself: “We the People.” We the people are sovereign in America. So that infringements on our sovereignty are not infringements on abstractions or infringements on the government, they’re an infringement on the people themselves.**” National Security Advisor John Bolton address to United Nations General Assembly September 23, 2018.

We express our sovereignty through the Constitution, through our political process. It's why that's so important. And it's why we believe — and of course, I'm speaking in secular terms here — that the Constitution is the highest authority that we recognize.

“Never forget that in America our sovereign is the citizen. ... The state is a servant ... It must never become an anonymous monstrosity that masters everyone.” President Gerald Ford address to Southern Methodist University Convocation, Sept. 13, 1975

“In our country the people are sovereign and the Government cannot sever its relationship to the people by taking away their citizenship. *Afroyim v Rusk* [387 U.S. 253, 258] (1967)

“...allegiance in this country is not due to Congress, but to the people, with whom the sovereign power is found; it is, therefore, by the people only that any alteration can be made of the existing institutions with respect to allegiance.” *Id.*, at 1045.

“...Our government is founded upon compact. Sovereignty was, and is, in the people.” 3 U. S. (3 Dall.) 6, 1 L. Ed. 485 (1795) *GLASS, et al. Appellants, versus The Sloop, BETSEY, et al.*

"It will be admitted on all hands that *with the exception of the powers granted to the states and the federal government, through the Constitutions*, the people of the several states are unconditionally sovereign within their respective states." *Ohio L. Ins. & T. Co. v. Debolt*, 16 How. 416, 14 L.Ed. 997.

"...., while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts." *Yick Wo v Hopkins*, 118 US 356, at pg 370;



As on can see, Cervantes, nor anyone else in government did their due diligence,  
LAZY!!! I move the court to strike all the negative, uninformed statements Cervantes  
made regarding American sovereignty.

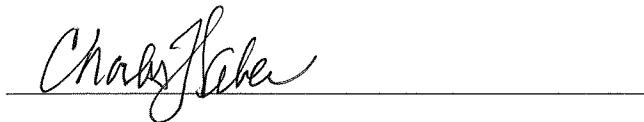
Page 24 Proposed Special Conditions. I do not consent to any mental health treatment  
protocol with or without psychotropic drugs. No mental health problems exist, the  
government has never provided the material evidence of the physical characteristics or  
classification linking the 14<sup>th</sup> Amendment to me. I do not consent to any fines, penalties  
associated to IRS stipulations. I do not have and never had a lawful SS# attached to me.

#### CONCLUSION

This concludes my objections to the enumerated statements in this Presentencing Report. The  
bottom line is the government was able to proceed without proving the material evidence linking  
the 14<sup>th</sup> Amendment to me in order to make me liable under 26 CFR Part 1 1.1.

This trial was based 100% on hearsay evidence and testimony. That is the purpose for the 29(a)  
MOTION FOR ACQUITTAL.

The statements are true as I know them to be and are made under the penalty of perjury. This  
deed is made in good faith.

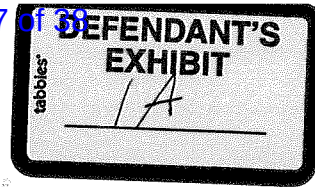


Charles Weber



Date

25 Greenbrier Road  
Snyder, NY 14226 716-839-1376



State of New York  
Erie County Supreme Court  
Buffalo, New York

FILED  
ACTIONS & PROCEEDINGS  
JUN 15 2017  
ERIE COUNTY  
CLERK'S OFFICE

PETITION FOR NAME CHANGE

Index #  
600265/2017

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

In The Matter of the Application of Charles Weber  
*Petitioner*

For Leave to Change His Name from CHARLES WEBER to: Charles Weber  
TO THE SUPREME COURT OF THE STATE OF NEW YORK:  
The Petition of Charles Weber in the matter requested, respectfully shows this court:

- 1 The Petitioner has a domicile at 25 Greenbrier Road, Snyder, in the Town of Amherst, Erie County, New York, and has lived in Amherst for 58 years, starting in 1958, prior to making this application.
- 2 The Petitioner, was born at 9 PM, November 25, 1955 at Mary Immaculate Hospital, Borough of Queens, New York, and is now 61 years of age.

Court of Record

C. Restoration to proper political status with fundamental, natural rights under Article I §§ I, VII, XII, and XIV of the New York State Constitution and Article IV Section II Clause I of the U.S. Constitution Privileges and Immunities. Petitioner does not consent to Civil Rights under the 1868 14<sup>th</sup> Amendment section 2 Privileges *or* Immunities.

11 No previous application has been made for the relief sought herein.

WHEREFORE, petitioner respectfully prays for an order restoring his original, given name Charles Weber, in place of that of CHARLES WEBER, CHARLES J WEBER, CHARLES JOHN WEBER, CHARLES WEBER, and all derivatives thereof.


  
(Signature of petitioner)

STATE OF NEW YORK )  
COUNTY OF Erse ) SS. : INDIVIDUAL VERIFICATION

On the 10<sup>th</sup> day of May, in the year 2017, before me, the undersigned, personally appeared Charles Weber, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of The State of New York that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)

Court of Record

John Alec Duffy  
Notary Public, State of New York  
No. 01DU6345226  
Qualified in Erie County  
Commission Expires July 25, 2028

At a Special Term of the Supreme Court, held in  
and for the County of Erie, 25 Delaware Avenue,  
Buffalo, New York on June 2, 2017

PRESENT: HON. JOHN F. O'DONNELL, JSC  
Judge Presiding

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF ERIE

FILED  
ACTIONS & PROCEEDINGS  
JUN 05 2017  
ERIE COUNTY  
CLERK'S OFFICE

In the Matter of the Application of Charles Weber,  
Charles J. Weber a/k/a CHARLES J. WEBER a/k/a  
CHARLES WEBER

Petitioner

ORDER GRANTING  
LEAVE  
TO CHANGE NAME

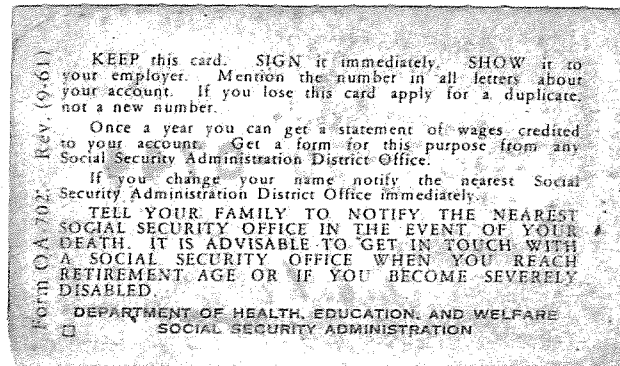
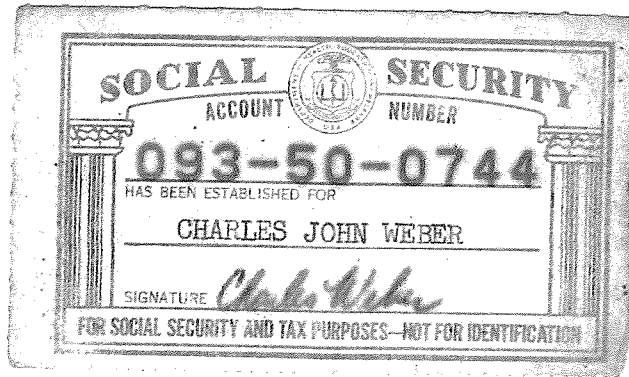
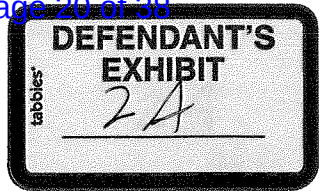
Index No.: 600265/2017

For Leave to Assume the Name of  
Charles Weber

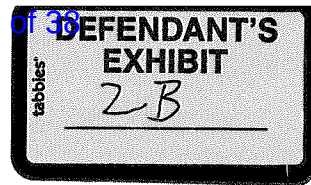
Upon reading and filing of the petition of Charles J. Weber verified the 10<sup>th</sup> day of May, 2017, which inter alia, recites the information required under Article 6 of the New York State Civil Rights Law, and which prays for leave to change the name of CHARLES J. WEBER a/k/a CHARLES WEBER a/k/a Charles J. Weber to Charles Weber, and the Court being satisfied by said petition that it is true and that there is no reasonable objection to the change of name proposed.

**NOW** on motion of CHARLES WEBER a/k/a CHARLES J. WEBER a/k/a Charles J. Weber, Petitioner, it is hereby

**ORDERED**, that the Petitioner CHARLES J. WEBER having been born on November 25, 1955 in Queens, New York, with birth certificate number 156-55-428119, issued by the Department of Health of the City of New York, is hereby authorized to assume the name of Charles Weber in place of the present names listed above, upon



*Chad*



## SOCIAL SECURITY

Refer to: S2RB411/08

S9H: AT7529

*TRACKING #*

June 27, 2018

CHARLES WEBER  
25 GREENBRIER ROAD  
SNYDER NY 14226

Re: Charles Weber

SSN: 093-50-0744

*March 1972*

Dear Sir/Madam:

We cannot send you a copy of this person's application for a Social Security number. There is no information available to us that indicates this person is deceased.

The Privacy Act of 1974 (5 U.S.C. 552a(b)) restricts disclosure of the information you requested. We do not disclose to the public personal information from our records about living individuals unless disclosure would serve the public interest to a degree that outweighs the individual's right to privacy. The only public interest we can consider is whether the information would improve public oversight and public accountability by giving the public insight into an agency's performance of its duties. I cannot find that disclosing this information would provide any such insight. This policy is consistent with the Freedom of Information Act, which exempts from its requirements any disclosure that would be a clearly unwarranted invasion of personal privacy (5 U.S.C. § 552(b)(6)).

Thank you for your payment to cover the cost of searching our records. If you can send proof of death for this individual, we can provide the record at no additional charge.

If you would like further assistance with your request, you may contact our FOIA Public Liaison by email at [FOIA.Public.Liaison@ssa.gov](mailto:FOIA.Public.Liaison@ssa.gov); by phone at 410-965-1727, by choosing Option 2; or facsimile at 410-966-0869. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll-free at 1-877-684-6448; or facsimile at 202-741-5769.

If you disagree with this decision, you may file a written appeal with the Executive Director for the Office of Privacy and Disclosure, Social Security Administration, 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235. Your appeal must be postmarked or

*410-965-1234*

*XT  
15770*





## SOCIAL SECURITY

Refer to: S2RB411/08  
S9H: AT7529

July 26, 2018

CHARLES WEBER  
25 GREENBRIER ROAD  
SNYDER NY 14226

Re: Charles Weber  
SSN: 093-50-0744

Dear Sir/Madam:

We cannot send you a copy of this person's application for a Social Security number. There is no information available to us that indicates this person is deceased.

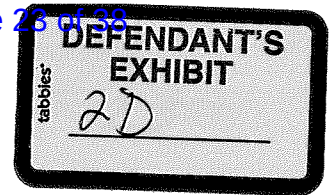
The Privacy Act of 1974 (5 U.S.C. 552a(b)) restricts disclosure of the information you requested. We do not disclose to the public personal information from our records about living individuals unless disclosure would serve the public interest to a degree that outweighs the individual's right to privacy. The only public interest we can consider is whether the information would improve public oversight and public accountability by giving the public insight into an agency's performance of its duties. I cannot find that disclosing this information would provide any such insight. This policy is consistent with the Freedom of Information Act, which exempts from its requirements any disclosure that would be a clearly unwarranted invasion of personal privacy (5 U.S.C. § 552(b)(6)).

Thank you for your payment to cover the cost of searching our records. If you can send proof of death for this individual, we can provide the record at no additional charge.

If you have questions, or would like further assistance with your request, you may contact our FOIA Public Liaison by email at [FOIA.Public.Liaison@ssa.gov](mailto:FOIA.Public.Liaison@ssa.gov); by phone at 410-965-1727, by choosing Option 2; or facsimile at 410-966-0869.

You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration for dispute resolution services. OGIS is an entity outside of the Social Security Administration that offers mediation services to resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001; email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll-free at 1-877-684-6448; or facsimile at 202-741-5769.





Charles Weber  
25 Greenbrier Road  
Snyder, New York 14226  
  
Social Security Administration  
ATTN: Nancy A. Berryhill, Acting Commissioner  
6401 Security Boulevard  
Baltimore, Maryland 21235-6401

VERIFIED NOTICE AND DEMAND

October 2, 2018

Greetings Commissioner Berryhill.

My name is Charles Weber. I am a man sixty-two years old, Caucasian, of sound mind and competent to testify with firsthand knowledge of the facts set forth herein.

I am the firstborn son of Joan and Robert Weber within the vows of Holy Matrimony. I am not now, nor ever been a foundling, abandoned child, or a child whose father was not my mother's husband.

I am returning property that belongs to the Social Security Administration. Please find enclosed card issued for evidence TRUST, Social Security Account number 093-50-0744 that has been established for legal entity U.S. Person CHARLES JOHN WEBER.

My political status is a Citizen of New York recognized in Article 4 Section 2 Clause 1 of the United State Constitution, and this correction requires return of government property. I am not a citizen of the United States as contemplated by the first section of the Fourteenth Amendment, as I do not have the characteristics of that 'person'.

I am not in the class of individuals that require naturalization through a court of record. This correspondence is to correct the record in the Social Security Administration files and to return property that does not belong to me, nor can I use this in good faith.

The evidence in support of my proper citizenship is contained in the four enumerated documents:

1. Affidavit of Charles Weber, Citizen of New York, one of the several States,

2. Charles Weber Genealogy<sup>1</sup>, and
3. Affidavit of Joan Weber.
4. In addition, the government analysis of the 14<sup>th</sup> Amendment is enclosed, on page 1566 it states the 14<sup>th</sup> Amendment did not abolish State Citizenship.

Section 1 of the Fourteenth Amendment states: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

The statutes that control citizenship under the 14<sup>th</sup> Amendment are found in Title 8 Aliens and Nationality Ch. 12 Subch. 3 Sections 1401-1409. Those statutes do not apply to me as an indigenous Citizen, naturalization refers to the cloaking of foreigners with some or all of the rights and privileges of natural born Citizens.

Citizenship of the several States requires a child to be natural born in order to be President and Vice President. Article 2 Section 1 Clause 5. A Citizen of the United States at the time of the adoption of the Constitution was not natural born, they were born British subjects. The first generation of American Presidents fought the War of Independence in order to remove the previous status of a British ‘subject.’ Citizenship of the several States under Article 4 is limited to white citizens.

As a Citizen of the several States, I am not eligible to participate as member of an appropriate group or categories of an ‘individual’/citizen to be assigned such number pursuant to 42 USC Public Health and Welfare 405(c)(2)(B)(i)(I)(II)(III), 405(c)(2)(B)(ii), or 405(c)(2)(B)(iii).

Further, a false declaration to claim citizenship of the United States is a crime under 18 USC Section 911.

Further clarification can be found in numerous Supreme Court citations. In *Elk v Wilkins*, 112 US 114, "By the first section of the bill all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States. This provision comprehends the Chinese of the Pacific states, *Indians subject to taxation*, the

---

<sup>1</sup> Ancestors 113, 125, and 135 all participants in formation of the new government, the War of Independence, and War of 1812. Van Horn’s are Founding Fathers. Known as the ‘People’ who formed the United States of America.

people called gypsies, as well as the entire race designated as blacks, persons of color, negroes, mulattoes, and persons of African blood. Every individual of those races, born in the United States, is, by the bill, made a citizen of the United States."

In *Afroyim v Rusk* 387 U.S. 253, the Supreme Court stated the following: "It is true that the chief interest of the people in giving permanence and security to citizenship in the Fourteenth Amendment was the desire to protect Negroes. The Dred Scott decision, 19 How. 393, had shortly before greatly disturbed many people about the status of Negro citizenship. But the Civil Rights Act of 1866, 14 Stat. 27, had already attempted to confer citizenship on all persons born or naturalized in the United States. Nevertheless, when the Fourteenth Amendment passed the House without containing any definition of citizenship, the sponsors of the Amendment in the Senate insisted on inserting a constitutional definition and grant of citizenship. They expressed fears that the citizenship so recently conferred on Negroes by the Civil Rights Act could be just as easily taken away from them by subsequent Congresses, and it was to provide an insuperable obstacle against every governmental effort to strip Negroes of their newly acquired citizenship that the first clause was added to the Fourteenth Amendment. 16 [387 U.S. 253, 263] Senator Howard, who sponsored the Amendment in the Senate, thus explained the purpose of the clause:

"It settles the great question of citizenship and removes all doubt as to what persons are or are not citizens of the United States. . . . We desired to put this question of citizenship and the rights of citizens . . . under the civil rights bill beyond the legislative power . . . ." Cong. Globe, 39th Cong., 1st Sess., 2890, 2896 (1866).

This undeniable purpose of the Fourteenth Amendment to make citizenship of Negroes permanent and secure would be frustrated by holding that the Government can rob a citizen of his citizenship without his consent by simply proceeding to act under an implied general power to regulate foreign affairs or some other power generally granted." 387 U.S. 253, 263

Other Supreme Court case opinions state the same. "The object of the 14th Amendment, as is well known, was to confer upon the colored race the right of citizenship." *United States v. Wong Kim Ark*, 169 U. S. 649, 692.

After the adoption of the 13<sup>th</sup> Amendment a bill which became the first Civil Rights Act was introduced in the 39<sup>th</sup> Congress, the major purpose of which was to secure to the recently freed Negroes all the civil rights secured to white people...No one but citizens of the United States [i.e.,

the freed slaves] were within the provisions of the Act. Cf. Hague v. C. I. O., 307 U.S. 496, 509. [Emphasis added.]

The Fifteenth Amendment also declares that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude."

Numerous court cases have struggled to clarify the important differences between the two classes. One of the most definitive, and dispositive cases, is *Pannill v. Roanoke*, 252 F. 910, 914-915 (1918), which clearly held that federal citizens had no standing to sue under the Diversity Clause, because *they were not even contemplated* when Article III in the U.S. Constitution was first being drafted, circa 1787 *A.D.*

In closing, I, Charles Weber, return this Social Security card for the aforementioned reasons, am placing this notice of demand on you, Nancy A. Berryhill, Acting Commissioner of the Social Security Administration, to correct my records and take whatever action is required to co-ordinate the other agencies or public offices within the Executive, Legislative, and Judicial Branches of the United States government.

Upon receipt of this notice of demand and returned property, if you find any of the above to be in error, notify me immediately and I will correct the error to the best of my ability.

This deed is made in good faith. The statements contained herein are made to the truth of the matter as I know it to be and are made under the penalty of perjury.



Signature

Charles Weber

25 Greenbrier Road

Snyder, New York 14226      Tel. 716-839-9678



Date

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c/o 25 Greenbrier Rd

Amherst, NY 14226

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TO: (PLEASE PRINT) Social Security Adm. PHONE ( )

6401 Security Blvd

Baltimore, Maryland

ATTN: COMMISSIONER

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Date Accepted (MM/DD/YY) 10/3/18 Scheduled Delivery Time ☐ 10:30 AM ☒ 3:00 PM ☐ 12 NOON Insurance Fee \$ COD Fee \$

Time Accepted 4:50 ☐ AM ☒ PM Return Receipt Fee \$ Two Annual Transportation Fee \$

Special Handling/Fragile \$ Sunday/Holiday Premium Fee \$ Total Postage & Fees \$ 24.70

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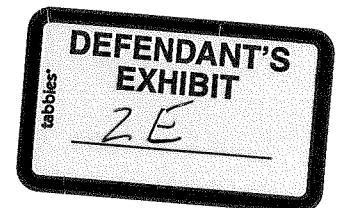
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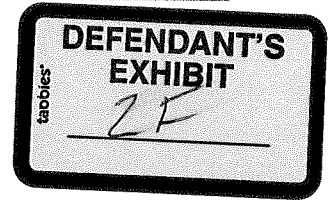
LABEL 11-B, OCTOBER 2016 PSN 7680-02-000-9996 2-CUSTOMER COPY





November 14, 2018

Dear Charles Weber:



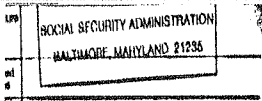

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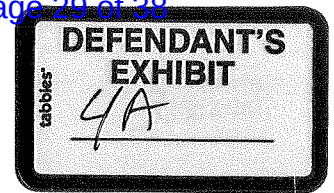
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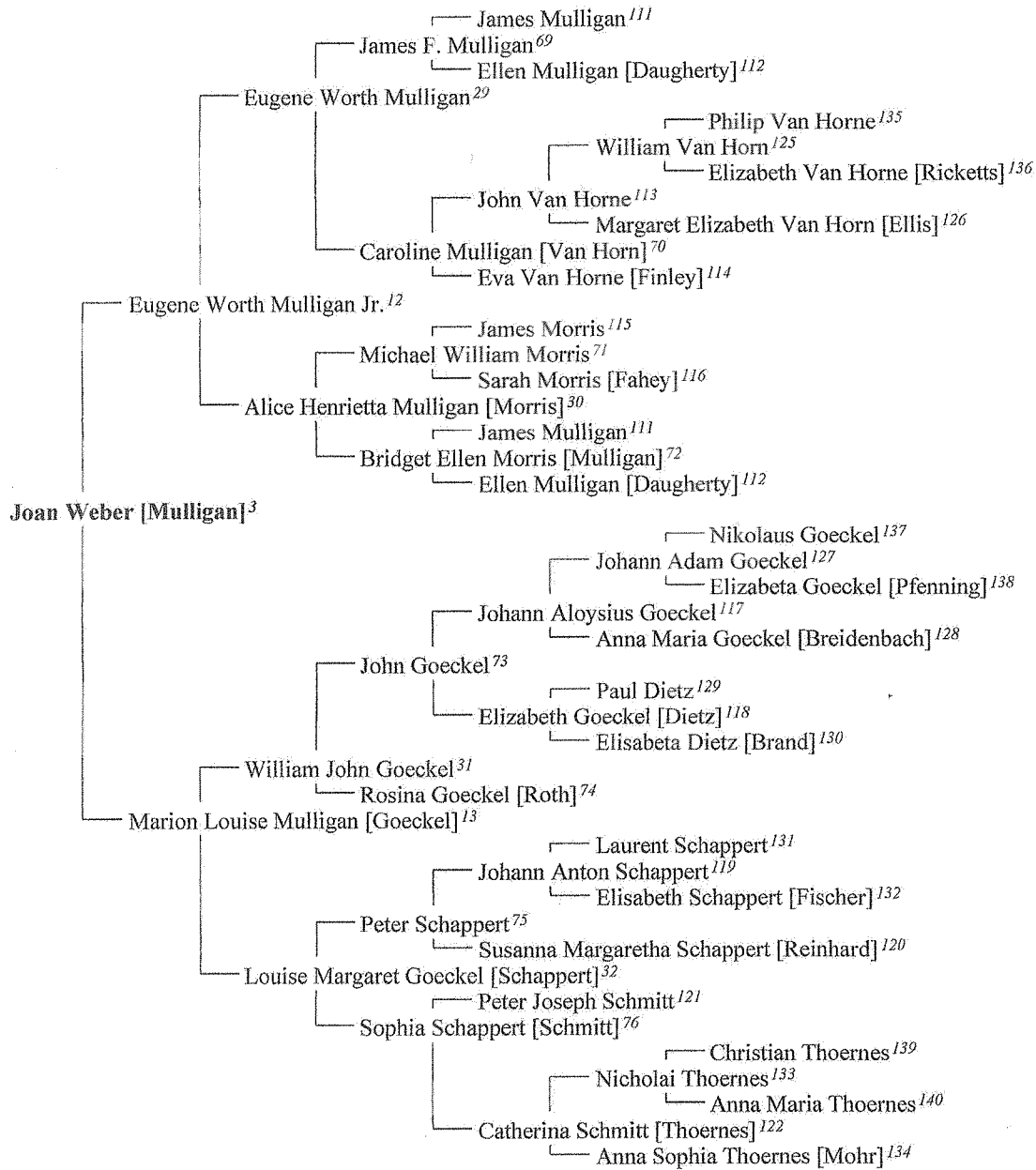


## **A Genealogy Report For**

# **CHARLES WEBER**

Created on 27 June 2015  
"The Complete Genealogy Reporter"  
© 2006-2013 Nigel Bufton Software  
under license to MyHeritage.com Family Tree Builder



2. MATERNAL ANCESTRY

Charles Weber

Direct Relations

Jacob M. Schappert<sup>102</sup> married Margaret Schappert [Beline].

104. MICHAEL SCHAPPERT (Charles's great-great-great-uncle) was born on 17 February 1842, in Rehborn, Bad Kreuznach, Rhineland-Palatinate, Germany, to Johann Anton Schappert<sup>119</sup> and Susanna Margaretha Schappert [Reinhard]<sup>120</sup>, as shown in family tree 16. Michael was a Butcher. On 21 November 1854, aged 12, he immigrated (Traveled aboard the ship called "Confederation" to New York City, New York, USA) to Le Havre, France. Michael died on 5 April 1912, aged 70, in Wilkes-Barre, Luzerne, Pennsylvania, USA.  
Citation: *Source 12 (Name; Birth; Death)*.
105. AMANDA SCHAPPERT [SMOULTER] (Charles's great-great-great-aunt by marriage) was born on 22 July 1850, in Wilkes-Barre, Luzerne, Pennsylvania, USA. Amanda died on 7 January 1914, aged 63, in Wilkes-Barre, Luzerne, Pennsylvania, USA.  
Michael Schappert<sup>104</sup> married Amanda Schappert [Smoulter].
106. LUDWIG SCHAPPERT (Charles's great-great-great-uncle) was born on 7 June 1846, in Obermoschel, Donnersbergkreis, Rhineland-Palatinate, Germany, to Johann Anton Schappert<sup>119</sup> and Susanna Margaretha Schappert [Reinhard]<sup>120</sup>, as shown in family tree 16. Ludwig died before 1854, when younger than 7.
107. GEORGE CHRISTOPHER SCHAPPERT (Charles's great-great-great-uncle) was born on 28 October 1848, in Obermoschel, Donnersbergkreis, Rhineland-Palatinate, Germany, to Johann Anton Schappert<sup>119</sup> and Susanna Margaretha Schappert [Reinhard]<sup>120</sup>, as shown in family tree 16. George died (Typhoid Fever) on 28 November 1906, aged 58, in Wilkes-Barre, Luzerne, Pennsylvania, USA. He was buried (Saint Nicholas Cemetery) in Wilkes-Barre, Luzerne, Pennsylvania, USA.  
Citation: *Source 12 (Name; Birth; Death)*.
108. ELIZABETH SCHAPPERT [STENGER] (Charles's great-great-great-aunt by marriage) was born in October 1844, in Ohio, USA. Elizabeth died in 1924, aged about 79.  
George Christopher Schappert<sup>107</sup> married Elizabeth Schappert [Stenger].
109. CATHERINE F. SCHMITT (Charles's great-great-great-aunt) was born on 21 November 1836, in Germany, to Peter Joseph Schmitt<sup>121</sup> and Catherina Schmitt [Thoernes]<sup>122</sup>, as shown in family tree 17. Catherine died on 24 February 1921, aged 84, in Wilkes-Barre, Luzerne, Pennsylvania, USA. She was buried (Hollenbach Cemetery) in Wilkes-Barre, Luzerne, Pennsylvania, USA.
110. NICHOLAS SCHMITT (Charles's great-great-great-uncle) was born in December 1839, in Germany, to Peter Joseph Schmitt<sup>121</sup> and Catherina Schmitt [Thoernes]<sup>122</sup>, as shown in family tree 17. Nicholas is no longer living.

#### Generation of Great-Great-Great-Grandparents

111. JAMES MULLIGAN (Charles's great-great-great-grandfather) was born in 1800, in Ireland. James died on 19 October 1888, aged about 88, in North Brunswick, Middlesex, New Jersey, USA.
112. ELLEN MULLIGAN [DAUGHERTY] (Charles's great-great-great-grandmother) was born about 1807, in Ireland. Ellen died in New Jersey, USA.  
James Mulligan<sup>111</sup> married Ellen Mulligan [Daugherty]. They had two children:  
James F. Mulligan<sup>69</sup> in 1827  
Bridget Ellen Morris [Mulligan]<sup>72</sup> in 1828  
*This family is shown as family tree 12.*
113. JOHN VAN HORNE (Charles's great-great-great-grandfather) was born on 16 December 1787, in New Brunswick, Middlesex, New Jersey, USA, to William Van Horn<sup>125</sup> and Margaret Elizabeth Van Horn [Ellis]<sup>126</sup>, as shown within family tree 13. John died on 19 May 1865, aged 77. He was buried (Charles Evans Cemetery) in Reading, Berks, Pennsylvania, USA. The following information is also recorded for John. Military Service (Private- 1st Co., 48th Regiment, Volunteer Artillery. Served under Capt. John Irvin.) in 1812, aged about 24.
114. EVA VAN HORNE [FINLEY] (Charles's great-great-great-grandmother) was born in 1787, in New Brunswick, Middlesex, New Jersey, USA. Eva is no longer living.  
John Van Horne<sup>113</sup> married Eva Van Horne [Finley]. They had six children:  
James Van Horn<sup>77</sup> in 1819  
Almirah L. Boone [Van Horn]<sup>79</sup> in 1822  
Mary Van Horn<sup>81</sup> in 1822  
Caroline Mulligan [Van Horn]<sup>70</sup> in 1827  
Lydia S. Van Horn<sup>82</sup> in 1828  
John Van Horn<sup>83</sup> in 1833  
*This family is shown as family tree 13.*

Charles Weber

Direct Relations

123. LAURENT SCHAPPERT (Charles's great-great-great-great-uncle) was born on 24 October 1805, in Heiligenmoschel, Kaiserslautern, Rhineland-Palatinate, Germany, to Laurent Schappert<sup>131</sup> and Elisabeth Schappert [Fischer]<sup>132</sup>, as shown in family tree 18. He was christened on 24 October 1805, in Heiligenmoschel, Kaiserslautern, Rhineland-Palatinate, Germany. On 14 July 1860, aged 54, he immigrated (Arrived in New York with his wife) to New York, USA. Laurent died on 26 October 1871, aged 66, in New York, USA.
124. MARIE ANNEE SCHAPPERT (Charles's great-great-great-great-aunt) was born in 1810, in Rehborn, Bad Kreuznach, Rhineland-Palatinate, Germany, to Laurent Schappert<sup>131</sup> and Elisabeth Schappert [Fischer]<sup>132</sup>, as shown in family tree 18. Marie died on 16 March 1810, as an infant, in Rehborn, Bad Kreuznach, Rhineland-Palatinate, Germany.

#### Generation of Four-Times-Great-Grandparents

125. WILLIAM VAN HORN (Charles's four-times-great-grandfather) was born in 1749, in Elizabeth, Union, New Jersey, USA, to Philip Van Horne<sup>135</sup> and Elizabeth Van Horne [Ricketts]<sup>136</sup>, as shown within family tree 13. William died in July 1827, aged about 78, in New Brunswick, Middlesex, New Jersey, USA. He was buried (Christ Church Episcopal Churchyard) on 2 July 1827 in New Brunswick, Middlesex, New Jersey, USA.
- The following information is also recorded for William. Military Service (Revolutionary War).

Citations:

*Source 16, page Page 5 - Revolutionary War Service Records. Note 1 applies.*  
*Source 15, page Page 2 - Revolutionary War Pensions. Note 2 applies. (Military Service (Revolutionary War)).*  
*Source 15, page Page 1 - Revolutionary War Pensions. Note 3 applies. (Military Service (Revolutionary War)).*  
*Source 15, page Page 3 - Revolutionary War Pensions. Note 4 applies. (Military Service (Revolutionary War)).*  
*Source 15, page Page 4 - Revolutionary War Pensions. Note 5 applies. (Military Service (Revolutionary War)).*  
*Source 15, page Page 5 - Revolutionary War Pensions. Note 6 applies. (Military Service (Revolutionary War)).*  
*Source 15, page Page 6 - Revolutionary War Pensions. Note 7 applies. (Military Service (Revolutionary War)).*  
*Source 15, page Page 7 - Revolutionary War Pensions. Note 8 applies. (Military Service (Revolutionary War)).*  
*Source 15, page Page 8 - Revolutionary War Pensions. Note 9 applies. (Military Service (Revolutionary War)).*  
*Source 15, page Page 9 - Revolutionary War Pensions. Note 10 applies. (Military Service (Revolutionary War)).*  
*Source 15, page Page 10 - Revolutionary War Pensions. Note 11 applies. (Military Service (Revolutionary War)).*  
*Source 15, page Page 11 - Revolutionary War Pensions. Note 12 applies. (Military Service (Revolutionary War)).*  
*Source 15, page Page 12 - Revolutionary War Pensions. Note 13 applies. (Military Service (Revolutionary War)).*  
*Source 15, page Page 13 - Revolutionary War Pensions. Note 14 applies. (Military Service (Revolutionary War)).*  
*Source 15, page Page 14 - Revolutionary War Pensions. Note 15 applies. (Military Service (Revolutionary War)).*  
*Source 15, page Page 15 - Revolutionary War Pensions. Note 16 applies. (Military Service (Revolutionary War)).*  
*Source 16, page Page 1 - Revolutionary War Service Records. Note 17 applies. (Military Service (Revolutionary War)).*  
*Source 16, page Page 2 - Revolutionary War Service Records. Note 18 applies. (Military Service (Revolutionary War)).*  
*Source 16, page Page 4 - Revolutionary War Service Records. Note 19 applies. (Military Service (Revolutionary War)).*

126. MARGARET ELIZABETH VAN HORN [ELLIS] (Charles's four-times-great-grandmother) was born in 1753. Margaret is no longer living.
- William Van Horn<sup>125</sup>, aged about 31, married Margaret Elizabeth Van Horn [Ellis], aged about 27, on 17 August 1780 in New Jersey, USA. They had one son:  
 John Van Horne<sup>113</sup> in 1787  
*This family is shown within family tree 13.*

127. JOHANN ADAM GOECKEL (Charles's four-times-great-grandfather) was born on 25 October 1747, in Faulbach, Miltenberg, Bavaria, Germany, to Nikolaus Goeckel<sup>137</sup> and Elizabeta Goeckel [Pfenning]<sup>138</sup>, as shown within family tree 15. Johann is no longer living.

128. ANNA MARIA GOECKEL [BREIDENBACH] (Charles's four-times-great-grandmother) was born in 1750, in Faulbach, Miltenberg, Bavaria, Germany. Anna is no longer living.
- Johann Adam Goeckel<sup>127</sup>, aged 26, married Anna Maria Goeckel [Breidenbach], aged about 23, on 8 February 1774 in Faulbach, Miltenberg, Bavaria, Germany. They had one son:  
 Johann Aloysius Goeckel<sup>117</sup> in 1780  
*This family is shown within family tree 15.*

129. PAUL DIETZ (Charles's four-times-great-grandfather).

130. ELISABETA DIETZ [BRAND] (Charles's four-times-great-grandmother).
- Paul Dietz<sup>129</sup> married Elisabetha Dietz [Brand]. They had one daughter:  
 Elisabeth Goeckel [Dietz]<sup>118</sup>  
*This family is shown within family tree 10.*

Charles Weber

Direct Relations

131. LAURENT SCHAPPERT (Charles's four-times-great-grandfather) was born about 1775, in Rehborn, Bad Kreuznach, Rhineland-Palatinate, Germany. Laurent is no longer living.
132. ELISABETH SCHAPPERT [FISCHER] (Charles's four-times-great-grandmother).  
 Laurent Schappert<sup>131</sup> married Elisabeth Schappert [Fischer]. They had three children:  
 Johann Anton Schappert<sup>119</sup> in 1801  
 Laurent Schappert<sup>123</sup> in 1805  
 Marie Annee Schappert<sup>124</sup> in 1810  
*This family is shown as family tree 18.*
133. NICHOLAI THOERNES (Charles's four-times-great-grandfather) was born on 5 February 1774, in Uersfeld, Vulkaneifel, Rhineland-Palatinate, Germany, to Christian Thoernes<sup>139</sup> and Anna Maria Thoernes<sup>140</sup>. Nicholai died about 1834, aged about 60, in Germany.
134. ANNA SOPHIA THOERNES [MOHR] (Charles's four-times-great-grandmother).  
 Nicholai Thoernes<sup>133</sup> married Anna Sophia Thoernes [Mohr]. They had one daughter:  
 Catherina Schmitt [Thoernes]<sup>122</sup> in 1805  
*This family is shown within family tree 17.*

#### Generation of Five-Times-Great-Grandparents

135. PHILIP VAN HORNE (Charles's five-times-great-grandfather) was born on 29 April 1719, in New York, New York, USA. Before 1755, when younger than 35, he was a Mercantile Business in New York, New York, USA. On 1 January 1770, aged 50, he was a Judge of the Court of Common Pleas in Somerset County, New Jersey, USA. Philip died in May 1793, aged 74, in Maryland, USA.
136. ELIZABETH VAN HORNE [RICKETTS] (Charles's five-times-great-grandmother) was born in 1723. Elizabeth died in 1799, aged about 76.  
 Philip Van Horne<sup>135</sup> married Elizabeth Van Horne [Ricketts]. They had one son:  
 William Van Horn<sup>125</sup> in 1749  
*This family is shown within family tree 13.*
137. NIKOLAUS GOECKEL (Charles's five-times-great-grandfather) was born on 6 December 1719, in Faulbach, Miltenberg, Bavaria, Germany. Nikolaus died on 9 August 1786, aged 66, in Faulbach, Miltenberg, Bavaria, Germany.
138. ELIZABETA GOECKEL [PFENNING] (Charles's five-times-great-grandmother) was born about 1724, in Faulbach, Miltenberg, Bavaria, Germany. Elizabeta died on 24 December 1750, aged about 26, in Faulbach, Miltenberg, Bavaria, Germany.  
 Nikolaus Goeckel<sup>137</sup>, aged 24, married Elizabeta Goeckel [Pfenning], aged about 19, on 21 January 1744 in Faulbach, Miltenberg, Bavaria, Germany. They had one son:  
 Johann Adam Goeckel<sup>127</sup> in 1747  
*This family is shown within family tree 15.*
139. CHRISTIAN THOERNES (Charles's five-times-great-grandfather).
140. ANNA MARIA THOERNES (Charles's five-times-great-grandmother).  
 Christian Thoernes<sup>139</sup> married Anna Maria Thoernes. They had one son:  
 Nicholai Thoernes<sup>133</sup> in 1774  
*This family is shown within family tree 17.*
141. ANNA MARIA UNKNOWN (Charles's five-times-great-grandmother).  
 Anna gave birth to one son:  
 Nicholai Thoernes<sup>133</sup> in 1774  
*This family is shown as family tree 19.*



Affidavit of Charles Weber, Citizen of New York, one of the several States

DEFENDANT'S  
EXHIBIT

tabbles  
4B

I, Charles, a civilian being of sound mind am sixty-one years old, having attained the age of majority, and competent to testify, do solemnly declare:

1. I am a freeman, born on the land of New York, of parents who were white, who were Citizen-Principals and whose parents time out of mind were and always had been white. As an hereditament I acquired directly the status of Citizen-Principal of said state sharing equally in its sovereignty.

Slaughterhouse Cases, 83 U.S. 36 (1873)

2. As a white man, born on the land of New York, I am not restricted by the 14th Amendment, and because I receive no protection from it, I have no reciprocal obligation to a 14th Amendment allegiance or sovereignty and owe no obedience to anyone under the 14th Amendment. United States v. Wong Kim Ark, 169 U.S. 649 (1898)

3. I am a free Citizen of the aforesaid state of my birth and derivative and mediate thereof I am also a Citizen of the united states of America as contemplated in the Constitutional Contract of 1787.

4. I am not a citizen of the United States as contemplated by the 14th Amendment, and I do not reside in any state with the intention of receiving from the Federal government or any other party a protection against the legislative power of that state pursuant to the authority of the 14th Amendment.

5. I am, therefore, "nonresident" to the residency and "alien" to the citizenship of the 14th Amendment.

STATE OF NEW YORK )

COUNTY OF Erie )

SS. :

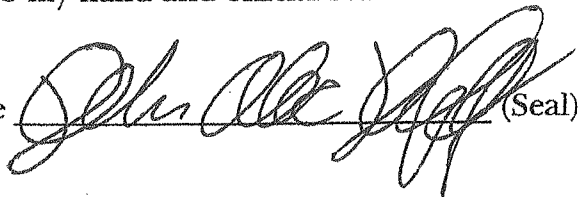
INDIVIDUAL VERIFICATION

On the 2nd day of August, in the year 2017, before me, the undersigned, personally appeared Charles Weher, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

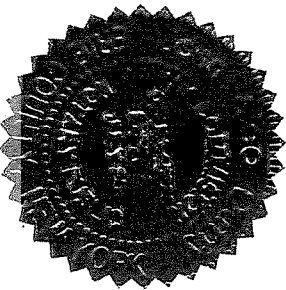
I certify under PENALTY OF PERJURY under the laws of The State of New York that the foregoing paragraph is true and correct.

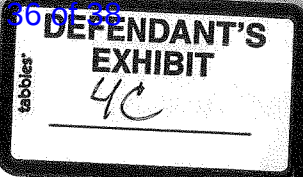
WITNESS my hand and official seal.

Signature

 (Seal)

John Alec Duffy  
Notary Public, State of New York  
No. 01DU6345226  
Qualified in Erie County  
Commission Expires July 25, 2020





# BLACK'S LAW DICTIONARY

CONTAINING

DEFINITIONS OF THE TERMS AND PHRASES  
OF AMERICAN AND ENGLISH JURISPRU-  
DENCE, ANCIENT AND MODERN

AND INCLUDING

THE PRINCIPAL TERMS OF INTERNATIONAL, CONSTITUTIONAL, ECCLESIASTICAL  
AND COMMERCIAL LAW, AND MEDICAL JURISPRUDENCE, WITH A COLLEC-  
TION OF LEGAL MAXIMS, NUMEROUS SELECT TITLES FROM THE  
ROMAN, MODERN CIVIL, SCOTCH, FRENCH, SPANISH, AND  
MEXICAN LAW, AND OTHER FOREIGN SYSTEMS,  
AND A TABLE OF ABBREVIATIONS

BY

HENRY CAMPBELL BLACK, M.A.

AUTHOR OF TREATISES ON JUDGMENTS, TAX TITLES, INTOXICATING LIQUORS,  
BANKRUPTCY, MORTGAGES, CONSTITUTIONAL LAW, INTERPRETATION  
OF LAWS, RESCISSION AND CANCELLATION  
OF CONTRACTS, ETC.

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GEORGETOWN LAW SCHOOL

## FRACTIONAL

like. See *In re Grant Shoe Co.*, 130 Fed. 881, 66 C. C. A. 78; *State v. Morgan*, 40 Conn. 46; *Palmer v. Preston*, 45 Vt. 158, 12 Am. Rep. 191; *Steele v. Hoe*, 14 Adol. & El. 431; *In re Morales* (D. C.) 105 F. 761.

**FOUNDER.** The person who endows an eleemosynary corporation or institution, or supplies the funds for its establishment. See *Foundation*.

**FOUNDERS' SHARES.** In English Company Law. Shares issued to the founders of (or vendors to) a public company as a part of the consideration for the business, or concession, etc., taken over, and not forming a part of the ordinary capital. As a rule, such shares only participate in profits after the payment of a fixed minimum dividend on paid-up capital. *Encyc. Dict.*

**FOUNDEROSA.** Founderos; out of repair, as a road. *Cro. Car.* 366.

**FOUNDLING.** A deserted or exposed infant; a child found without a parent or guardian, its relatives being unknown. It has a settlement in the district where found. *State ex rel. Wilson v. Pierre*, 155 La. 510, 99 So. 421.

**FOUNDLING HOSPITALS.** Charitable institutions which exist in most countries for taking care of infants forsaken by their parents, such being generally the offspring of illegal connections. The foundling hospital act in England is the 13 Geo. II. c. 29.

**FOUR.** Fr. In old French law. An oven or bake-house. *Four banal*, an oven, owned by the seignior of the estate, to which the tenants were obliged to bring their bread for baking. Also the proprietary right to maintain such an oven.

**FOUR CORNERS.** The face of a written instrument. That which is contained on the face of a deed (without any aid from the knowledge of the circumstances under which it is made) is said to be within its four corners, because every deed is still supposed to be written on one entire skin, and so to have but four corners.

To look at the *four corners* of an instrument is to examine the whole of it, so as to construe it as a whole, without reference to any one part more than another. 2 Smith, *Lead. Cas.* 295.

**FOUR SEAS.** The seas surrounding England. These were divided into the Western, including the Scotch and Irish; the Northern, or North sea; the Eastern, being the German ocean; the Southern, being the British channel.

**FOURCHER.** Fr. To fork. This was a method of delaying an action anciently resorted to by defendants when two of them were joined in the suit. Instead of appearing together, each would appear in turn and cast

an *essoin* for the other, thus postponing the trial.

**FOURIERISM.** A form of socialism. See 1 Mill, *Pol. Ec.* 260.

**FOURTEENTH AMENDMENT.** The Fourteenth Amendment of the constitution of the United States became a part of the organic law July 28, 1868, and its importance entitles it to special mention. It creates or at least recognizes for the first time a citizenship of the United States, as distinct from that of the states; forbids the making or enforcement by any state of any law abridging the privileges and immunities of citizens of the United States; and secures all "persons" against any state action which is either deprivation of life, liberty, or property without due process of law or denial of the equal protection of the laws.

**FOWLS OF WARREN.** Such fowls as are preserved under the game laws in warrens. According to Manwood, these are partridges and pheasants. According to Coke, they are partridges, rails, quails, woodcocks, pheasants, mallards, and herons. *Co. Litt.* 233.

**FOX'S LIBEL ACT.** In English law. This was the statute 52 Geo. III. c. 60, which secured to juries, upon the trial of indictments for libel, the right of pronouncing a general verdict of guilty or not guilty upon the whole matter in issue, and no longer bound them to find a verdict of guilty on proof of the publication of the paper charged to be a libel, and of the sense ascribed to it in the indictment. Wharton.

**FOY.** L. Fr. Faith; allegiance; fidelity.

**FR.** A Latin abbreviation for "fragmentum," a fragment, used in citations to the Digest or Pandects in the *Corpus Juris Civilis* of Justinian, the several extracts from juristic writings of which it is composed being so called.

**FRACTIO.** Lat. A breaking; division; fraction; a portion of a thing less than the whole.

**FRACTION.** A breaking, or breaking up; a fragment or broken part; a portion of a thing, less than the whole. *Jory v. Palace Dry Goods Co.*, 30 Or. 196, 46 P. 786.

**FRACTION OF A DAY.** A portion of a day. The dividing a day. Generally, the law does not allow the fraction of a day. 2 Bl. *Comm.* 141.

**FRACTIONAL.** As applied to tracts of land, particularly townships, sections, quarter sections, and other divisions according to the government survey, and also mining claims, this term means that the exterior boundary lines are laid down to include the whole of such a division or such a claim, but that the tract in question does not measure up to the